

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)

Plaintiff(s))

vs.)

JUAN H. MERCADO)

REG#24215-038)

F.C.I. RAY BROOK)

P.O. BOX 9007)

RAY BROOK, N.Y. 12977)

Defendant(s))

FILED
CLERK'S OFFICE

Civil Case No.:

FILED JANUARY 2004

28 U.S.C. § 2255 TO VACATE,

CORRECT, SET ASIDE SENTENCE

A PRISONER IN FEDERAL CUSTODY...

MOTION FOR APPOINTMENT OF COUNSEL

(A) I hereby request that the court appoint an attorney to represent me in the above captioned action.

(B) I have contacted the following attorneys in the private and public sector in my effort to obtain counsel:

I, JUAN H. MERCADO HAVE CONTACTED NUMEROUS ATTORNEYS IN THE
AREAS OF NEW YORK STATE, WHEREAS I'VE RECEIVED NO RESPONSE, I BELIEVE
DUE TO THIS IS A FEDERAL CASE ISSUE AND NOT A STATE CASE ISSUE, AND I
HAVE NO FUNDS TO RETAIN AN ATTORNEY, WHEREAS IF I AM APPOINTED AN ATTOR-
-EY THIS WOULD BE IN THE BEST INTEREST OF JUSTICE, SO I CAN PREPARE A
MORE COMPETENT DEFENSE, WHEREAS I WILL DO THE BEST I CAN TO PROCEED...

PLEASE APPOINT ME AN ATTORNEY IN THE BEST INTEREST AND THIS WOULD BE
IN ACCORDANCE WITH THE "DUE PROCESS OF THE LAW CLAUSE..." & JUSTICE...

MAY GOD BLESS YOU IN A RELEVANT DECISION...

CC: COPY FILE

NOTE: You must first attempt to find an attorney on your own before you file a motion for appointment of counsel with the Court. See Terminate Control Corp. v. Horowitz, 28 F.3d 1335 (2d Cir. 1994).

FORM G

(C) I have attached to this motion the correspondence I have received from the attorneys listed above.

(D) The reasons I believe I should be appointed counsel pro bono are as follows:

DUE TO THE FACT I RECEIVED NO RESPONSE FROM ANY ATTORNEY, THIS DOES
SHOW ME AND YOUR COMPETENT JURISDICTION THAT YOU MAY APPOINT ME A COM-
-PETENT ATTORNEY SO I CAN RECEIVE A FAIR DECISION AS UNDER THE U.S. SIXTH
CONSTITUTIONAL AMENDMENT THE RIGHTS TO A FAIR TRIAL AS A 28 U.S.C. § 2255
DECISION, IN THE BEST INTEREST OF JUSTICE...

MAY GOD BLESS YOU IN A RELEVANT DECISION...

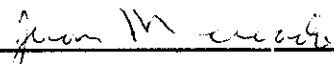
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I declare under penalty of perjury that the foregoing is true and correct.

DATED: 2-12-04

28 U.S.C. § 1746...

TRUE, CERTAIN, CORRECT STATEMENTS


Signature of Plaintiff

JUAN H. MERCADO
REG#24215-038
F.C.I. RAY BROOK
P.O. BOX 9007
RAY BROOK, N.Y. 12977